

**Atlantic Striped Bass Scoping
Summary of issues and concerns in written comments
received in response to Federal Register Notice**

The following issues and concerns were received as written comments in response to a Federal Register Notice, published on October 20, 2003, requesting public input on NOAA Fisheries' intent to prepare an environmental impact statement (EIS) to analyze the impacts of potential revisions to Federal Atlantic striped bass regulations for the U.S. Exclusive Economic Zone (EEZ). This EIS will form the basis for the decision whether or not to follow the Atlantic States Marine Fisheries Commission's (ASMFC) recommendation to open Federal waters (3-200 miles from shore) to fishing for striped bass, or to develop any alternative regulations for the EEZ. All persons affected by or otherwise interested in Atlantic striped bass management in the EEZ were invited to provide comments on the scope and significance of issues to be analyzed in development of an EIS. The comment period for scoping comments closed on December 22, 2003.

NOAA Fisheries has begun the review of all comments received during the scoping process. Once the scope and significance of issues to be evaluated in the EIS have been determined, development of the draft EIS will begin. Updates on the progress of this effort will be provided at this website, as appropriate.

General Comments/questions:

- Any proposal to reopen the EEZ to striped bass fishing should be rigorously evaluated relative to requirements, under the Striped Bass Act, that regulations ensure effectiveness of state regulations on fishing for striped bass within the coastal waters of a coastal state; and that are sufficient to assure the long term conservation of striped bass.
- Wait until the other Amendment 6 measures have been implemented and the impacts of those have been evaluated before opening the EEZ. Striped bass regulations have been changing too often in recent years.
- There is no need to conduct a separate stock assessment as part of the development of the EIS since it would only duplicate work already completed by the ASMFC Technical and Stock Assessment Committees.
- Commercial harvests are being harvested each year within state waters so what need is there to open the EEZ?

Issues/concerns that should be evaluated

Stock/biological:

- Evaluate the impacts of reopening the EEZ on the fishing mortality rate of striped bass, in general, and on older age classes, in particular.
- Evaluate whether opening the EEZ will result in directed harvest of older, larger striped bass and if it is likely to disrupt migration (patterns) of striped bass.
- Evaluate the age/size composition of striped bass in the EEZ relative to inshore areas, especially between inshore and offshore waters off individual states, to determine if, in fact, older/larger fish are concentrated in the EEZ.
- Evaluate whether or not there is a shortage of forage fish for striped bass and if so, if that

shortage is contributing to an increase in occurrence of disease as has been described in the Chesapeake Bay. Determine how/if the micro-bacterial infections in the Chesapeake Bay are impacting the coastwide striped bass populations.

- Evaluate the impact of using non-baited vs. baited hooks, and the effect of fishing in cooler offshore waters vs. warmer nearshore waters, on discard mortality of striped bass.
- Evaluate the impact on habitat of opening the EEZ to striped bass fishing.
- Address concerns related to potential increases in recent estimates of natural mortality of Chesapeake Bay striped bass, and associated micro-bacterial infections, and the impact on the population, coastwide.
- Evaluate recent estimates that indicate fishing mortality (F) is above target, and what the likely impact of opening the EEZ will be on future estimates of F.

Management/fishery:

- Evaluate the impact of opening the EEZ to striped bass fishing on shore based anglers who do not have the ability to access striped bass in the EEZ.
- Determine the level of monitoring by state and/or Federal agencies that will be needed to adequately characterize the catch composition and effort in the commercial and recreational fisheries for striped bass in the EEZ.
- Determine how NOAA Fisheries would respond if the F threshold is exceeded as a consequence of reopening the EEZ.
- Evaluate the use of management triggers in a framework to give the management process the ability to close the EEZ immediately if the fishing mortality is exceeded in one year or if it exceeds the target for 2 consecutive years.
- Evaluate whether existing state regulations, implemented under Amendment 6, provide sufficient control to prevent an unrestricted expansion of the commercial fishery.
- Evaluate the likelihood of increased recreational pressure, catch, and harvest on striped bass if the EEZ were to be opened, especially in areas where large shoals exist (e.g., off MA), and the impact of such an increase.
- Determine if opening the EEZ would benefit some states' fisheries to the detriment of fisheries in other states. Also, if fishing mortality increases to the point that added restrictions are necessary, and that increased mortality is due to recreational fisheries off only one or a few states, evaluate measures that could be implemented to ensure states are not impacted disproportionately to the impact of their fishery, by those restrictions.
- Identify measures that would restrict fishing to those gear types currently allowed under state regulations.
- Identify measures that would adequately account for all landings, by area caught, no matter where they are landed.
- Evaluate the benefits of requiring the use of circle hooks in the commercial fishery.
- Identify the benefits to the fishery of opening the EEZ to striped bass fishing.
- Evaluate the potential impact of a newly developed offshore charterboat industry if fishing is allowed in the EEZ on striped bass, especially the impact on larger fish, and on traditional inshore/bay-based charter fleets.
- Evaluate all possible loopholes in landing and interstate shipment laws that may negatively impact each state's ability to manage its fishery, and/or enforce its regulations were the EEZ to be opened.
- Evaluate the impact of various gear types on bycatch and its associated discard mortality.

- Characterize the effects of hook and line versus net fishing, and the effects of hook & line fishing with and without bait and with different hooks, from treble hooks to circle hooks.
- Identify areas of the EEZ and seasons where striped bass spawning and/or migratory stocks are vulnerable to fishing. If such areas/seasons exist evaluate the use of seasonal closures as an alternative to the ASMFC recommendation.
 - Evaluate the impact on the striped bass stock and the commercial fishery of requiring that all bycatch of striped bass taken in net fisheries in the EEZ be landed and counted toward the commercial quota.
 - Evaluate whether reduced commercial trip limits would reduce the incentive to fish off the waters of other states.
 - Evaluate individual state regulations to identify EEZ measures that would ensure effectiveness of state regulations in state waters, especially for states that have gamefish status for striped bass.
 - Evaluate the impact of allowing striped bass harvest in the EEZ on threatened and endangered species, both in the EEZ and in nearshore waters where the fishery currently exists.
 - Evaluate the implementation of a Federal permit for striped bass fishing in the EEZ, with a minimum size and daily trip limits and a requirement that daily striped bass catches be reported by size and number of fish. Also require that scale samples be taken.
 - Evaluate the costs and benefits of requiring observer coverage at some level (20%) for all sectors of the directed and incidental fisheries to determine the nature and extent of bycatch of striped bass and other species from all directed and non-directed fisheries that take striped bass.
 - Evaluate the impact of opening the EEZ to striped bass fishing on existing commercial fishing interests which are capped by low trip limits and state landings quotas. Identify measures to prevent a shift in who participates in the fishery if the EEZ were to be opened, and to prevent the quota be reached more quickly, especially where numbers of larger vessels have been displaced from their traditional fisheries.
 - Evaluate the economic impacts to the states, coastwide, of opening the EEZ to both commercial and recreational striped bass fishing. Include in the analyses the impact on market price, etc., if opening the EEZ were to result in a market glut, reduced prices and shorter commercial seasons. Are there measures available to reduce any such negative impact.
 - Evaluate measures that would reduce discards related to high-grading (whether high grading is intended to retain large fish, only, or more marketable/smaller fish).
 - Evaluate, as an alternative to the ASMFC recommendation, the no action alternative and the effect that continuing the current regulations would have on the long-term health and productivity of the striped bass population.
 - Evaluate, as an alternative in conjunction with other measures, a coastwide commercial daily/trip limit of 100 fish per boat.
 - Evaluate, as an alternative to the ASMFC recommendation, the feasibility/impact of developing a program to 'buy-out' commercial striped bass fishermen and to manage striped bass as a gamefish, coastwide.
 - Evaluate, as an alternative, the feasibility of opening the EEZ only off states that support such a measure.
 - Evaluate, as an alternative to the ASMFC recommendation, conducting a 3 to 5 year

study with states interested in open the EEZ. Such a study should be designed to require any recreational fisherman interested in fishing in the EEZ to register and to report all striped bass fishing activities and results to the state. Data from this study would be used in future assessments and to update the EIS.

- Evaluate alternatives to the ASMFC recommendations, such as:
 - rod and reel fishing, only; two fish limit; no sale (i.e., recreational, only)
 - open the EEZ from 3 - 10 miles; recreational fishing, only; one fish over 36"
 - a slot limit, such as 28 to 41 inches
 - no commercial fishing; one trophy fish, only; require that data be collected
 - implement a cap on bycatch and discards of striped bass in both directed and non-directed fisheries with consequences (i.e., fishery or area closures) if caps are exceeded.
 - options to allocate catch to commercial sectors, both directed and incidental, in ways that reduce bycatch
 - hook and line fishing, only; seasonal restrictions on net use; and prohibition of use of gillnets in the EEZ
 - require possession and use of dehooking devices by all commercial and recreational hook and line fishers and that captains and crew attend workshops on safe handling and release protocols

Safety/health:

- Evaluate whether opening the EEZ to striped bass fishing would result in increased risks associated with PCB contaminated fish known to occur in some waters off NY and NJ.
- Evaluate the boating safety impacts of opening the EEZ to striped bass fishing, including the effect of allowing a wider distribution for safe boat operation, rather than restricting fishing to a relative few number of rips, off some states.

Enforcement:

- Evaluate how differential creel limits, fisheries and size limits between the EEZ and adjoining state water fisheries will be reconciled and enforced.
- Identify the roles of an individual state, the USCG, and NOAA Fisheries relative to the enforcement of striped bass regulations in the EEZ.
- Determine how an EEZ fishery in waters off a state would be handled if a state were found to be out-of-compliance with the Striped Bass Fishery Management Plan.
- Evaluate the ability to enforce striped bass fishing regulations in the EEZ, and whether or not enforcement at the dock, or in state waters would provide sufficient coverage for this fishery.
- Evaluate whether opening the EEZ would require any significant change in enforcement activity given the states have already strengthened management and enforcement processes since the EEZ was initially closed and are able to enforce fishing through the Striped Bass FMP.
- Evaluate the potential for increased illegal catch, harvest or landings of striped bass relative to that which is already occurring, should the EEZ be opened to striped bass fishing.
- Identify measures needed to prevent vessels of non-striped bass states (those with no quota) from fishing and landing catch from the EEZ in other states, against that state's quota.

- Evaluate the impact of strict penalties for both commercial and recreational violators on the likelihood of following implemented regulations in the EEZ.
- Identify controls that would prevent trans-shipping of striped bass caught legally in the EEZ to other countries.
- Evaluate the implementation of a tagging program for all commercial harvest to allow proper monitoring of the fishery.